

REMARKS

This Amendment responds to the Final Office Action mailed December 9, 2008 in the above-identified application. For the following reasons, careful reconsideration and allowance of the application are respectfully requested.

Claims 1-6, 18, 25 and 26 are currently pending in the application. No claims are amended herein. The pending claims are listed above for the convenience of the Examiner.

The Examiner has rejected claims 1 and 18 under 35 U.S.C. §103(a) as unpatentable over Amon et al. (US 5,742,621) in view of Coombs (US 6,848,074) and Lou et al. (US 5,220,570). Claims 2-6, 25 and 26 are rejected under 35 U.S.C. §103(a) as unpatentable over Amon et al. in view of Coombs and Lou et al., further in view of Benedetto et al. (Article entitled "Soft-Output Decoding Algorithms in Iterative Decoding of Turbo Codes"). The rejections are respectfully traversed for the following reasons.

The Amon patent is discussed in detail in the Appeal Brief mailed October 17, 2007. The previous discussion of Amon is incorporated herein by reference.

The Examiner concedes that "Amon does not explicitly teach the specific use of a single trellis instruction", but relies upon Coombs for teaching this claim limitation. The Examiner ignores the fact that Coombs is not available as prior art with respect to the subject application as a result of the Declaration of Steven J. Plante under 37 C.F.R. §1.131, filed with the previous response on March 6, 2008. Since Coombs is not available as prior art with respect to the present application, the rejection under 35 U.S.C. §103(a) cannot stand. The Lou patent is cited for teaching the use of a programmable digital signal processor, but does not provide the teachings that are lacking in Amon.

The Examiner discusses Blaker et al. (US 5,490,178). The Examiner refers to col. 5, lines 39-41 of Blaker, but does not apply Blaker against Applicant's claims. In particular, the Examiner states that Blaker is used strictly as a teaching reference to establish the correct date of

the prior art use of a single trellis ACS instruction. While Blaker is not applied against Applicant's claims, Applicant provides the following comments regarding Blaker.

Applicant must respectfully disagree that Blaker discloses the prior art use of a single trellis ACS instruction. Blaker at col. 5, lines 38-41 states that "a single update instruction from DSP 20 to coprocessor 30 initiates an update operation by update unit 32 to produce a cell of trellis entries." Thus, the update instruction produces an update operation by update unit 32 in coprocessor 30. Referring to FIG. 2 of Blaker, coprocessor 30 includes branch metric unit 154, update unit 32, a decoded symbol register (DSR) 34 and a traceback unit 36. The branch metric unit provides two branches metric values, BM0 and BM1, per individual state to update unit 32 (col. 4, lines 46-48). Update unit 32 provides to traceback unit 36 the minimum accumulated cost which is stored in the minimum accumulated costs (MAC) register 42 (col. 4, lines 50-52). Blaker contains no disclosure or suggestion that the update unit 32, in response to the single update instruction from DSP 20, performs the operations of adding, subtracting, comparing and selecting as required by Applicant's independent claims 1 and 18. Instead, Blaker describes an update operation in response to branch metric values (BM0 and BM1). Accordingly, Applicant submits that Blaker does not disclose a method or processor wherein adding, subtracting, comparing and selecting operations are executed by a digital signal processor in response to a single trellis instruction, as claimed.

Regarding the Examiner's comment at the bottom of page 2 of the Office Action, Applicant fully agrees that the American public should not have to pay for public knowledge that has either already been purchased by the American public through patent protection or given freely. The Examiner appears to suggest that Applicant is seeking patent protection for subject matter that is clearly in the prior art. However, Applicant wishes to note that Coombs was first cited *after* Applicant filed an Appeal Brief and that Blaker was used as a teaching reference *after* Coombs was removed as a reference by a Declaration under 37 C.F.R. §1.131. Accordingly, it can hardly be said that Applicant is seeking patent protection for subject matter that is clearly in the prior art.

Based upon the above discussion, claims 1-6, 18, 25 and 26 are in condition for allowance.

CONCLUSION

A Notice of Allowance is respectfully requested. The Examiner is requested to call the undersigned at the telephone number listed below if this communication does not place the case in condition for allowance.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicants hereby request any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 23/2825.

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Respectfully submitted,

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